IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

PARSI SUIT NO. 26 OF 2006

Pervin C. Jeejeebhoy. ...Plaintiff No.1.

and

Cyrus P. Jeejeebhoy. ...Plaintiff No.2.

...

Mrs. Armaity S. Khushrushahi for Plaintiff Nos.1 and 2.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

13TH OCTOBER, 2006.

P.C. :

1. The Plaintiffs are Parsi Zoroastrians and were married on 25th November 1985, according to Parsi Zoroastrian rites and customs. A daughter aged 19 years and a son aged 10 years have been born from the wedlock. The parties resided together in their matrimonial home after marriage. Differences arose between the parties in 2004 and ultimately in March 2005 the first Plaintiff left the matrimonial home. The parties have resided separately since then.

2. The Suit has been instituted for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936. The Plaintiffs have filed their respective affidavits in lieu of the examination in chief, which are taken on record. The Consent Terms envisage that custody of the minor son will remain with the first Plaintiff who is the mother and that the father, the

second Plaintiff, shall have a right of access. The first Plaintiff is gainfully employed and I am satisfied that the arrangement that has been made by the parties for custody is in the best interests of the minor child. Parties have stated before the Court that their respective consents to the application for divorce by mutual consent have been granted without any force, fraud or undue influence.

3. In these circumstances, there is no reason why a decree for divorce by mutual consent should not be granted as prayed. The Suit shall stand decreed in terms of prayer clauses (a) and (b).